

# UNITED STATES DISTRICT COURT

## Southern District of Mississippi

UNITED STATES OF AMERICA

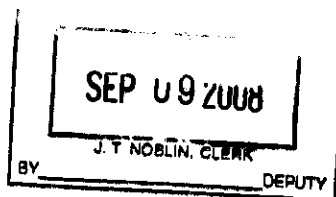
V.

RAFAEL RIOS

**JUDGMENT IN A CRIMINAL CASE**

Case Number: 3:06cr60TSL-JCS-001

USM Number: 15845-014


 Robert G. Anderson, Attorney at Law,  
 P. O. Box 22567, Jackson, MS 39225, 601-985-4505

Defendant's Attorney:

**THE DEFENDANT:**
☒ pleaded guilty to count(s) 1 through 7 of Indictment
☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
 which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1341	Mail Fraud	10/31/05	1 through 7

 The defendant is sentenced as provided in pages 2 through 11 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 29, 2008

Date of Imposition of Judgment

Signature of Judge

The Honorable Tom S. Lee

Senior U.S. District Court Judge

Name and Title of Judge

9/8/08

Date

DEFENDANT: RAFAEL RIOS  
CASE NUMBER: 3:06cr60TSL-JCS-001

### PROBATION

The defendant is hereby sentenced to probation for a term of :

Three (3) years per count, to run concurrently.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RAFAEL RIOS

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### **SPECIAL CONDITIONS OF SUPERVISION**

- (1) The defendant shall participate in the home confinement program, to include electronic monitoring, for a period of six (6) months. While in this program, the defendant is to remain in his home at all times, with the only exceptions being employment and any activities approved in advance by his probation officer. The defendant shall comply with all requirements of the home confinement program, at the direction of the supervising U.S. Probation Officer. He is required to pay the costs of the electronic monitoring program, as directed by the U.S. Probation Office.
- (2) The defendant shall not incur any new credit without the prior approval of the supervising U.S. Probation Officer, and shall provide any requested business or personal financial information requested by the U.S. Probation Officer.
- (3) The defendant shall perform 200 hours of community service work at the direction of the supervising U.S. Probation Officer.
- (4) The defendant shall submit to random testing for substance abuse, and if deemed necessary by the supervising U.S. Probation Officer, shall participate in a treatment program for substance abuse.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b> *	\$700.00		\$36,920.23

\* \$100.00 for each of the seven counts.

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Aasen, Mike 5 Villa Place Pueblo, CO 81001		\$1,724.85	
Becker, Wayne 1431 Main Blvd South Park, PA 15129		\$71.00	
Bernard, Howard 719 Crestwood Place West Hempstead, NY 11552-3402		\$107.00	
Bock, Richard 100 Lynmoor Drive Silver Spring, MD 20901		\$165.90	
Boussios, Curt 3737 W. North Shore Ave Lincolnwood, IL 60712		\$1,111.54	
<b>TOTAL (pages 4, 5, 6, 7, 8, 9, and 10)</b>	\$ _____	\$ <u>36,920.23</u>	

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RAFAEL RIOS  
CASE NUMBER: 3:06cr60TSL-JCS-001**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Bredbeck, Bruce 6620 S. High Street Centennial, CO 80121		\$556.05	
Cassella, Robert 478 1st Street Atco, NJ 08004		\$30.00	
Cieslik, Chester 2172 Dupont Drive, Suite 14 Irvine, CA 92612		\$61.00	
Collins, Stephen 5662 N. Mina Vista Tucson, AZ 85718		\$285.00	
Corwell, Lloyd 2013 Loggerhead Road Las Vegas, NV 89117		\$1,405.00	
Daniels, Marla P. O. Box 1098 Santa Clara, CA 95009		\$234.67	
Delano, James 2716 Mary Ann Manor LaVerne, CA 91750		\$35.51	
Department of Justice Office of Victims of Crime 810 Seventh Street N.W. , 8th Floor Washington, DC 20531		\$2,093.79	
Dewitt, Clint 4626 E. La Puente Avenue Phoenix, AZ 85044		\$120.00	
Dillon, James 37778 Siena Drive Farmington Hills, MI 48331		\$6,244.75	
eBay / PayPal Fraud Investigation Team 2211 North First Street San Jose, CA 95131		\$365.61	

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<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Fish, Lee C/O Patricia Fish 13069 Oak Forest Drive Bryan, TX 77807		\$900.00	
Gabbard, Perry Joe 1417 Fairfield Road Westmoreland, TN 37186		\$145.56	
Gibb, Blake 3101 NW 19th Oklahoma City, OK 73107		\$361.19	
Hamilton, Fred 106 Beach Road Craig, AR 99921		\$426.99	
Harder, Jim 105 Valhalla Ct. Aledo, TX 76008		\$83.77	
Hatton, Scott 950 Western Covington, KY 41011		\$528.50	
Hope, Roger 4832 Freedom Avenue Chubbuck, ID 83202-3046		\$60.00	
Kerr, Vicki 13841 W. Montana Avenue Lakewood, CO 80228		\$92.00	
Kessler, Laura 412 Kerfoot Street E. Peoria, IL 61611		\$101.75	
Kim, Daniel 740 Red Lion Road #113 Philadelphia, PA 19115		\$232.50	
Kimes, Curtis 1355 Martin Drive Auburn, CA 95603		\$8.37	

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<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Landrum, Scott 550 N. Pettonville Avenue Southlake, TX 76092		\$2,535.00	
Larsen, Doug 2212 S. 20th Street Omaha, NE 68108		\$30.00	
Long, William 1004 University Ridge Drive Reno, NV 89512		\$405.57	
Lubeznik, Maria 2201 E. 29th Street Brooklyn, NY 11229		\$150.73	
Lynch, James P.O. Box 564 Shepherd, MI 48883		\$696.92	
Marceills, Eva 6215 Normandy, Apt. 22 Saginaw, MI 48633		\$101.07	
Matzdorf, Eric 2570 S. Pagosa Pagosa Springs, CA 81147		\$525.00	
McClellan, Doug 3950 Johnson Drive Oceanside, CA 92056		\$953.99	
Mentzer, James 2523 W. Woodwell Road Baltimore, MD 21222		\$51.69	
Meier, Billy 16609 Cogan Road Independence, MO 64055		\$25.50	
Miller, Allan 484 Allan Miller Lane Parsons, TN 38363		\$171.25	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Munson, Donald C/O Kelly D. Murray Beam 3411 Old Lantern Ct. Miamisburg, OH 45342		\$158.55	
Munz, Charles 1117 Lambert Road Teanock, NJ 07666		\$331.50	
Nestey, Dennis 5432 Hanbury Street Long Beach, CA 90808		\$47.00	
Nickolas, Stephen 300 Hayward Avenue Apartment 2E Mt. Vernon, NY 10552		\$190.00	
Nocerino, Alex 205 Vanderbilt Street Brooklyn, NY 11218		\$295.00	
Plamondon, Kevin 13310 S. West Bay Shore Drive Traverse City, MI 49684		\$438.06	
Pointner, Wolf-Dieter 28627 108th Street Zimmermen, MN 55398		\$315.99	
Rockwell, Mike 43378 Walnut Lane Davis, CA 95618		\$25.00	
Samuels, Darrel 11654 Kestrel Road Klamath Falls, OR 97601		\$130.00	
Shaughnessy, Joseph 5225 Jean Road 105 Lake Oswego, OR 97035		\$238.80	
Shinkay, Sean 11946 N. St. Rd. 26 Fort Arthurson, WI 53538		\$2,732.56	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Shirbroun, Daniel 7293 Dumosa Yucca Valley, CA 92286		\$2,540.01	
Short, Larry 1285 CR 2395 Alvord, TX 76225		\$4,555.00	
Sloves, Jason 12654 Collins St. N. Los Angeles, CA 91607		\$25.00	
Smith, Asa 107 Saddlehorn Drive Warner Robins, GA 31088		\$134.50	
Sorochin, Craig 44 White Cedar Road Barboursville, VA 22923		\$36.00	
Stovall, Don P.O. Box 2588 Hayden, ID 83835		\$175.95	
Taylor, Dave 5106 Davenport Pl Midland, TX 79705		\$60.25	
Thomas, Eddie 2332 Huntington Ct Alexandria, VA 22303		\$655.00	
Trull, Tony 2434 Steed Ct. Lomita, CA 90717		\$116.50	
Wettlin, Jason 6429 NW 70th Street 4 Kansas City, MO 64151		\$170.50	
Wolicki, Robert 961 Harper Road Crescent, PA 15046		\$101.00	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case  
Sheet 5B — Criminal Monetary Penalties

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DEFENDANT: RAFAEL RIOS

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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Wood, Rick 835 High Point Ridge Rd Franklin, TN 37069		\$224.49	
Workman, Aniwo 13213 First Street Ft. Myers, FL 33905		\$24.55	

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DEFENDANT: RAFAEL RIOS  
CASE NUMBER: 3:06cr60TSL-JCS-001**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 700.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The defendant is ordered to pay restitution in the amount of \$36,920.23, to the U.S. District Court Clerk in the Southern District of Mississippi, who shall forward payments to the victims, as listed on the judgment order. The restitution is due immediately, and is payable immediately upon completion of a project which is expected to close by the end of September 2008, but no later than January 10, 2009. The defendant must pay the mandatory special assessment fee of \$100 per count, for a total of \$700, immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of Court P. O. Box 23552, Jackson, MS 39225-3552.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Numbers (including defendant number) and Defendant and Co-Defendant Names, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.